IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION Nos.262/06, 263/06, 264/06, 265/06, 266/06, 267/06, 268/06, 269/06

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Naveen Chomal for the petitioners.

Mrs.M.M.Deshmukh A.P.P. for the State in CRA Nos.262/06, 267/06.

Mr.S.R.Shinde A.P.P. for the State in CRA Nos.263/06, 268/06.

Mr.A.S.Shitole A.P.P. for the State in CRA Nos.264/06, 269/06.

Mrs.M.M.Mhatre A.P.P. for the State in CRA Nos.265/06,

Mr.P.A.Pol A.P.P. for the State in CRA Nos.266/06.

CORAM: D.B.BHOSALE, J.

DATED: 10TH July, 2006.

P.C.:

. Heard learned counsel for th parties.

2. In this group of revision applications, the petitioners have impugned the order passed by the appeal court directing him to deposit the amounts ranging from Rs.7,500/- to

Rs.60,000/- as a condition precedent for suspending the substantive sentence awarded by the learned Magistrate while convicting him under section 138 of the Negotiable Instruments Act. It appears that in each of the matters the amount directed to be deposited is very meagre as against the order of fine that has been imposed by the learned Magistrate. I can usefully make a reference to the judgment of the Supreme Court in the case of **Stanny Felix Pinto Vs. Jangid Builders Pvt. Ltd. and Anr. (2001) 2 SCC 416** where similar situation was dealt with and while so doing the following observations were made:

> "2. When a person was convicted under section 138 of the Negotiable Instruments Act and sentenced to imprisonment and fine he moved the Superior Court for suspension of the sentence. The High Court w;hile entertaining his revision granted a suspension of the sectence by imposing a condition that part of the fine shall be remitted in court within a specified time. It is against the said direction that this petition has been filed. In our view the High Court has done it correctly and in the interest of justice. We feel that while suspending the sentence for the offence under section 138 of the Negotiable Intruments Act it is advisable that the court impose a

condition that the fine part is remitted within a certain period. If the fine amount is heavy, the court can direct atleast a portion thereof to be remitted as the convicted person wants the sentence to be suspended during the pendency of the appeal. In this case the grievance of the appellant is that he is required by the High Court to remit a huge amount of rupees four lakhs as a condition to suspend the sentence. When considering the total amount of fine imposed by the trial Court (twenty lakhs of rupees) there is nothing unjust or unconscionable in imposing such a condition. As such no notice need be issued to the respondent. Appeal is accordingly dismissed."

3. Keeping the observations made by the Supreme Court in view and considering the amount that has been directed to be deposited as a condition precedent for suspending the substantive sentence I am not inclined to interfere with the said order. The revision applications, therefore, fail and are dismissed as such. The time to deposit the said amount is extended for the period of 10 days from today.

(D.B.Bhosale, J.)